

REMARKS

Entry of the above amendments, reconsideration of the application, as amended, and allowance of all pending claims are respectfully requested. Claims 1, 5-9, 13, 17, 21-24, 28, 32, and 37-45 are now pending in the application.

Initially, applicants' attorney wishes to thank Examiner Davis for her courtesy in granting a telephone interview on December 12, 2002 in connection with the application although an agreement was not reached during the telephone interview.

Briefly summarized, applicants' invention is directed to sports commemorators for displaying a related sports object and picture. The sports commemorator is provided with a cover having a flat portion and a curved transparent portion for displaying the sports related picture and object. The curved transparent portion is configured for receiving the sports related object.

For example, applicants' sports commemorator may serve to associate an actual golf ball and a picture, such as in suggesting flight, location, or address of the golf ball relative to a golf fairway, golf lie, golf green, golf tee box, golf club, country club or person(s). The sports commemorator may also serve as a remembrance of a corporate or charity tournament, or sports event. The sports related object placed in the sports commemorator may be an object used by a special person, such as the person who receives, gives, purchases or donates the sports commemorator, or a famous or notable person. The picture may include special scene(s), object(s), or person(s), such as to commemorate occasion(s) (e.g., a hole-in-one or a noteworthy round of golf or a motor sports event), celebrate person(s) (e.g., a professional or amateur athlete, a politician, entertainer, or business leader, or a friend or companion), or recall location(s) (e.g., a famous golf course, a race track, a stadium, or a fishing location).

By this amendment, independent claims 1, 17, and 32 have been amended to further define applicants' invention for a sports commemorator and to distinguish over the prior art. In particular, claims 1, 17, and 32 have been amended to more particularly recite the object as being "an object comprising at least one of an actual sports related object usable by a participant in engaging in a sport and a representation of a sports related object usable by a participant in engaging in a sport," the picture as being a "picture illustrating a scene relating to said sports related object," and wherein the sports commemorator is assembled "so that said sports related object is visually associated with and does not substantially obscure said scene."

under what element corresponds to the sports related object

In addition, new dependent claims 37-45 have been added which further define applicants' invention. For example, claims 37, 40, and 43 recite the "scene comprises an image of a person associated with said sports related object", claims 38, 41, and 44 recite the "scene comprises a scene illustrating an actual location related to said sports related object," and claims 39, 42, and 45 recite the "scene comprises a scene illustrating an actual location commemorating an occasion where said sports related object is used."

Support for the amendments to claims 1, 17, and 32, and for new dependent claims 37-45 is found in the specification on page 5, lines 11-17, page 11, lines 3-23, page 17, lines 11-24, and page 18, line 8-21, and in the figures. The addition of new matter has been carefully avoided.

In accordance with 37 C.F.R. 1.121, a version with markings showing changes made to the amended claims is provided on one or more pages separate from the amendment. These pages are appended at the end of this amendment and captioned "Version with Markings to Show Changes Made."

35 U.S.C. §103(a) Rejections

In the Office Action, claims 1, 5-9, 17, 21-24, and 32 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Hickey, Jr. (U.S. Patent No. 5,845,778) in view of Feher (U.S. Patent No. 861,822) and Rand (U.S. Patent No. 405,678). In particular, it was argued in the Office Action that it would have been allegedly obvious to one having ordinary skill in the art at the time this invention was made to provide a picture on the backing plate [of Hickey, Jr.] that corresponds with the three-dimensional object as taught by Rand to enhance the appearance of the display. In addition, it was argued in the Office Action that it would have been allegedly obvious to one having ordinary skill in the art at the time this invention was made to mounted the display taught by Hickey, Jr. and Rand within the frame taught by Feher as an alternate frame means whereby the display can be selectively inserted and removed from the frame. Applicants respectfully, but most strenuously traverse these rejections for the following reasons.

With reference to Hickey, Jr., Hickey, Jr. discloses a hat display structure. As noted in the Office Action, Hickey, Jr. does not teach the backing member having a picture thereon. Moreover, Hickey, Jr. also does not teach the backing member having a picture in which a scene relates to a sports related object.

With reference to Rand, Rand discloses a cabinet for preserving and displaying game such as a bird. The cabinet includes a cover made of glass with a projection or bulge which extends over and is spaced-apart from the stuffed game. The cover also extends over and is spaced-apart from a picture illustrating a scene of a beach and ocean.

It is important to note that the bird is not a sports related object usable by a participant in engaging in the sport of hunting. The bird is instead an animal under pursuit or taken in the sport of hunting. Thus, Rand does not teach the combination of a

sports related object usable by a participant in engaging in a sport and a picture illustrating a scene relating to the sports related object.

Even if Hickey, Jr. and Rand are attempted to be combined, e.g., incorporating the beach and ocean scene into the hat display, such a combination would not result in applicants' invention as now recited in amended claims 1, 17, and 32 which recite "an object comprising at least one of an actual sports related object usable by a participant in engaging in a sport and a representation of a sports related object usable by a participant in engaging in a sport", and "a picture on a layer, said picture illustrating a scene relating to said sports related object."

It is also noted that the hat and plaque of Hickey, Jr. is disposed in the center of the display structure. Thus, even if Hickey, Jr. and Rand are attempted to be combined, as suggested in the Office Action by providing a picture that corresponds with the three-dimensional object (as discussed above, there is no disclosure, suggestion or teaching in either Hickey, Jr. or Rand of a picture illustrating a scene relating to a sports related object used by a participant in engaging in the sport), incorporating such a picture would necessarily result in a picture that would be obscured by the hat and the plaque. Accordingly, the combination of Hickey, Jr. and Rand does not teach or suggest applicant's sports commemorator having at least one of an actual sports related object usable by a participant in engaging in a sport and a representation of a sports related object usable by a participant in engaging in a sport, a picture illustrating a scene relating to the sports related object, and wherein "said sports related object is visually associated with and does not substantially obscure said scene" as recited in amended claims 1, 17, and 32.

Furthermore, neither Hickey, Jr. nor Rand discloses a display structure or a cabinet having a picture of a person associated with the sports related object, a scene illustrating an actual location associated with the sports related object, or a scene illustrating an actual location commemorating an occasion where a sports related object

is used. Accordingly, the combination of Hickey, Jr. and Rand does not teach or suggest applicants' invention as recited in new dependent claims 37, 40, and 43 which recite that the "scene comprises an image of a person associated with said sports related object", dependent claims 38, 41, and 44 which recite that the "scene comprises a scene illustrating an actual location related to said sports related object," and dependent claims 39, 42, and 45 which recite that the "scene comprises a scene illustrating an actual location commemorating an occasion where said sports related object is used."

It is respectfully submitted that the remaining dependent claims would not have been rendered obvious in view of the combination of Hickey, Jr. and Rand, for the reasons noted above regarding amended independent claims 1, 17, and 32, as well as for their additional features.

With reference to Feher, Feher discloses an embossed picture showing a scene of a historical or biblical nature. The embossed picture includes a frame for supporting an embossed piece of celluloid which can be suitably colored, painted or printed to produce a life-like effect of a person in the picture. The embossed picture also includes an outer celluloid sheet. Feher fails to disclose a sports related object, and a picture illustrating a scene relating to the sports related object, and wherein the sports related object is visually associated with and does not substantially obscure the scene. Accordingly, Feher lacks the deficiencies in the combination of Hickey, Jr. and Rand, so that the combination of Hickey, Jr., Rand, and Feher would not have rendered obvious applicants' invention as now recited in the claims.

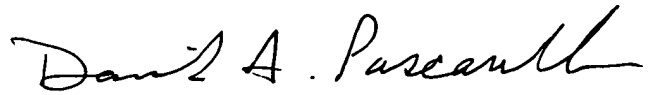
Nine new claims have been added. Thirty-five claims of which three were independent had been previously paid for. Twenty-three claims of which three are independent now remain pending in this application. Accordingly, no official fee for the new claims is required.

CONCLUSION

Applicants submit that all the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. The application is believed to be in condition for allowance and such action is respectfully requested.

However, if the Examiner believes there are any remaining issues, applicants' undersigned representative requests a telephone hearing to discuss the case.

Respectfully submitted,



David A. Pascarella
Attorney for Applicants
Reg. No. 36,632

Dated: January 30, 2003

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 17, and 32 have been amended and new claims 37-45 have been added as follows:

1. (Twice Amended) A sports commemorator comprising:
 - an object ¹⁰⁴ comprising at least one of an actual sports related object usable by a participant in engaging in a sport and a representation of a sports related object ¹⁰⁴ usable by a participant in engaging in a sport; and *not shown*
 - a picture on a layer, ¹⁰⁴ both of said object and said picture being related to a sport and said object relating to said picture illustrating a scene relating to said sports related object; *110*
 - a cover; ¹⁰⁴
 - a support formed with forward and rearward portions;
 - said forward portion having an open interior for displaying said picture on said layer and said object superimposed with said cover;
 - said cover formed with first and second transparent portions, said first transparent portion serving to buttress said layer in said open interior, said second transparent portion conforming to the shape of said object in said open interior; \Rightarrow
 - a forward interface between said forward portion and a peripheral portion of said cover; and
 - a rearward interface between said layer and said rearward portion,

wherein said forward and rearward interfaces serve to secure said cover and said layer for displaying said picture behind said object and said cover in said open interior so that said sports related object is visually associated with and does not substantially obscure said scene.

17. (Twice Amended) A sports commemorator comprising:

an object comprising at least one of an actual sports related object usable by a participant in engaging in a sport and a representation of a sports related object usable by a participant in engaging in a sport; and

~~a picture on a layer, both of said object and said picture being related to a sport and said object relating to said picture~~ illustrating a scene relating to said sports related object;

a transparent member;

a support formed with forward and rearward portions;

said forward portion having an open interior for displaying said picture on said layer and said object superimposed with said transparent member;

said transparent member formed with an expanse including a hollow protuberance, a section of said expanse serving to buttress said layer in said open interior, said hollow protuberance conforming to the shape of said object in said open interior;

a forward interface between said forward portion and a peripheral portion of said transparent member; and

a rearward interface between said layer and said rearward portion, wherein said forward and rearward interfaces serve to secure said transparent member and said layer for displaying said picture behind said object and said cover in said open interior so that said sports related object is visually associated with and does not substantially obscure said scene.

32. (Twice Amended) A method for displaying a sports related object and picture, the method comprising:

selecting an object comprising at least one of an actual sports related object usable by a participant in engaging in a sport and a representation of a sports related object usable by a participant in engaging in a sport; and

selecting a picture on a layer, ~~both of the object and the picture being related to a sport and the object relating to the picture~~ illustrating a scene relating to the sports related object;

selecting a support having an open interior;

selecting a cover having a transparent expanse with a transparent chamber conforming to the shape of the object in the open interior;

superimposing the transparent chamber over the object in the open interior;

superimposing the transparent expanse over and buttressing the picture on a layer in the open interior; and

securing the object and the layer in the open interior, whereby the object and the picture are displayed with the picture behind the object and the cover in the open interior so that the sports related object is visually associated with and does not substantially obscure the scene.

37. (New) The commemorator of claim 1 wherein said scene comprises an image of a person associated with said sports related object.

38. (New) The commemorator of claim 1 wherein said scene comprises a scene illustrating an actual location associated with said sports related object.

39. (New) The commemorator of claim 1 wherein said scene comprises a scene illustrating an actual location commemorating an occasion where said sports related object is used.

40. (New) The commemorator of claim 17 wherein said scene comprises an image of a person associated with said sports related object.

41. (New) The commemorator of claim 17 wherein said scene comprises a scene illustrating an actual location associated with said sports related object.

42. (New) The commemorator of claim 17 wherein said scene comprises a scene illustrating an actual location commemorating an occasion where said sports related object is used.

43. (New) The method of claim 32 wherein the scene comprises an image of a person associated with the sports related object.

44. (New) The method of claim 32 wherein the scene comprises a scene illustrating an actual location associated with the sports related object.

45. (New) The method of claim 32 wherein the scene comprises a scene illustrating an actual location commemorating an occasion where the sports related object is used.